

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MICHAEL C. LEADBETTER
and JoELLEN E. TEUSCH,

Plaintiffs,

v.

CITY OF FORT WAYNE,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

CAUSE NO. 1:06-CV-285-TS

OPINION and ORDER

The Plaintiffs in this case, Michael Leadbetter and JoEllen Teusch, have filed two discovery-related documents: “Motion for Defendant to Provide Missing Discoveries[;] Notice of Heinous Extenuating Conditions” [DE 114], and “Rule 15 Supplemental [*sic*] Pleadings” [DE 109]. The latter is construed as a motion to compel discovery of certain documents. Both filings allege that the Defendant, the City of Fort Wayne, has withheld discoverable information.

On October 7, 2008, the Court ordered the Defendant to respond to the Plaintiffs’ allegations and to file discovery information on the docket in compliance with Local District Rule 26.2(e). On October 14, the Defendant filed a Brief in Opposition to the Plaintiffs’ Motion to Compel [DE 117], and, on October 15, the Defendant filed a Notice of Filing Pursuant to Local Rule 26.2(e) [DE 118].

The Defendant in its Brief explained that the Plaintiffs never served any discovery requests on the Defendant and that formal discovery in this case never occurred. (DE 117 at 3.) The Defendant also explained that after the Court reopened discovery, the Plaintiffs did not cooperate with the Defendant’s efforts to learn what information the Plaintiffs were seeking. The Defendant then explained that it searched in its own files and departments for “every piece of paper relating in

any way to either of the plaintiffs or the real property referenced in plaintiffs' complaint," (*id.* at 5.), and provided that information to the Plaintiffs. The Defendant's Brief also argues that the documents and information sought by the Plaintiffs at this point in the litigation are not relevant or reasonably calculated to lead to the discovery of admissible evidence.

After reviewing the Defendant's Brief, the Plaintiffs' discovery-related motions, the Plaintiff's Third Amended Complaint, other pleadings, and previous Court Orders, the Court concludes that the Defendant is correct. Therefore, the Plaintiffs' Motion for Defendant to Provide Missing Discoveries[;] Notice of Heinous Extenuating Conditions" [DE 114], and "Rule 15 Supplemental [*sic*] Pleadings" [DE 109], which is construed as a motion to compel the Defendant to provide discovery information, are DENIED.

The Defendant, in its Notice [DE 118], noted that because formal discovery had not occurred in this case, there was nothing to file on the docket in compliance with Local District Rule 26.2(e). After reviewing this Notice, the Defendant's Brief, and the Plaintiffs' pleadings, the Court concludes that the Defendant IS NOT REQUIRED to file discovery information on the Court's docket. This Order now supercedes the Court's Order [DE 116] of October 7.

Finally, the Court reaffirms the schedule for the parties to file dispositive motions: The parties have until November 21, 2008, to file any dispositive motions; a Response by the non-moving party is due December 22, 2008; and a Reply by the moving party is due January 9, 2009. The parties are reminded to comply with the Local Rules, especially Local Rule 56.1 and subsection (e) if summary judgment is requested.

So ORDERED on October 31, 2008.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT